



Case No.: \_\_\_\_\_

**Town of Ashland  
Planning Department**

101 Main St.  
Ashland, MA 01721  
508.881.0101

ashlandmass.com/316/Zoning-Board-of-Appeals

## Application to Zoning Board of Appeals

Note: Application must be complete, with a certified plot plan and all application fees to be accepted.

### **1. Property Information:**

Street Address: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Overlay District: \_\_\_\_\_

Assessor's Map: \_\_\_\_\_ Lot: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page: \_\_\_\_\_

Current Property Owner\*: \_\_\_\_\_

### **2. Permit/Approval Sought:**

\_\_\_\_ Special Permit (Section 9.3) \_\_\_\_ Amendment to Special Permit (Section 9.3) \_\_\_\_ Variance (Section 9.2.2.2)

\_\_\_\_ Appeal of Building Inspector Decision (M.G.L. Ch. 40A) \_\_\_\_ Comprehensive Permit (M.G.L. Ch. 40B)

Use Type: Residential: \_\_\_\_ Commercial: \_\_\_\_ Industrial: \_\_\_\_

### **3. Applicant Information:** Owner: \_\_\_\_ Tenant: \_\_\_\_ Prospective Purchaser/Tenant: \_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Agent's Name: \_\_\_\_\_

Agent's Address: \_\_\_\_\_

Agent's Phone: \_\_\_\_\_ Agent's Email: \_\_\_\_\_

### **4. Additional Information:**

Are all real estate taxes and other assessments to the Town current?: \_\_\_\_\_

Is the parcel on a scenic road?: \_\_\_\_\_

Is this an amendment to a previously issued Special Permit? (attach approved permit): \_\_\_\_\_

Date structure was built? (Buildings built before 1940 may need review by Historical Commission.): \_\_\_\_\_

Is the property within 100 ft. of a wetland, within 200 ft. of a stream, or in a floodplain?: \_\_\_\_\_

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**5. Description of the Relief Sought:** (Attach Letter of Denial of Building Permit.)

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What specific zoning bylaws is this application associated with?: \_\_\_\_\_

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**6. Justification for why the application should be approved:**

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**7. Existing use and condition of the property and surrounding neighborhood:** (Please list all relevant non-conformities.)

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By signing below you assert this application is complete and accurate to the best of your knowledge:

**Signatures:**

Applicant/Agent: \_\_\_\_\_ Applicant's Name: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Agent's Relationship to Applicant: \_\_\_\_\_ Firm: \_\_\_\_\_

Owner: \_\_\_\_\_ Owner's Name: \_\_\_\_\_

\*Note: If the applicant is not the owner, the owner MUST sign above or submit a letter of permission with the application.

## Application Requirements

All applications must include a fully completed application form, all required documents, and a check for the full amount made to the Town of Ashland. Any application not complete may lead to the Zoning Board of Appeals issuing a denial without prejudice.

All applications must include:

- A letter of Denial of a Building Permit from the Building Commissioner.
- Abutters list (300') from the Ashland Assessors office (and other towns if applicable)
- A copy of the property card from the Assessors Office.
- One (1) 24x36" sized copy of the certified (signed and stamped by a registered land surveyor) Site Plan and must include a dimensional table of required and proposed setbacks.
- Sixteen (16) packets containing the following: a copy of the application, an 11x17" sized copy of the plot plan, and any supporting documentation. (Note: Make sure the 11x17" copies of the plans are readable. Feel free to consult with the Planning Department if at all unsure.)
- A .pdf copy of the submitted plans must be either handed in to the Planning Department or sent by email to [planning@ashlandmass.com](mailto:planning@ashlandmass.com), and a georeferenced CAD file (MA State Plain NAD83 Feet) will be required for final approval.

Note that additional fees associated with the Public Hearing process must also be paid with a separate check, along with a copy of the abutters list. See Public Hearing Associated Costs on page 4 for details.

## Criteria

The criteria for a Special Permit is either: (from Chapter 282 Section 9.3.2) "...the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site." or (from Chapter 282 Section 3.3.2/3.3.3) "...only if determines that such [change of use or change of a structure] shall not be substantially more detrimental than the existing nonconforming [use or structure] to the neighborhood."

Expect to discuss the following:

- Community needs served by the proposal
- Traffic flow and safety, including parking and loading
- Adequacy of utilities and other public services
- Neighborhood character and social structures
- Impacts on the natural environment
- Potential fiscal impact, including impact on town services, tax base, and employment

The criteria for a Variance is that you need to create or extend a nonconformity due to a hardship derived from the physical conditions of the lot or else the lot can't be used. Note that the threshold for granting a variance is somewhat substantial. (See MGL Ch. 40A Section 10.)

## Ashland Zoning Board of Appeals Fees

Application Type	Fee
Special Permit	\$250
Modification / Extension of Special Permit	\$200
Variance	\$400
Modification / Extension of Variance	\$400
Administrative Appeal of Building Inspector Decision	\$400

Peer Review Deposit	
2-15 Lots/Units	\$4,000
16-20 Lots/Units	\$6,000
21-25 Lots/Units	\$10,000
26-74 Lots/Units	\$20,000
75 or More Lots/Units	\$30,000
20 or Fewer Parking Spaces	\$2,500
21 or More Parking Spaces	\$5,000
Wireless Commercial Facility	\$3,000
Appeal of Building Inspector for 2+ Lots	\$1,000

Note: Unused Peer Review funds will be returned to the applicant at the end of the process. The applicant may request details on the account at any time from the Planning Department.

### Public Hearing Associated Costs

Pursuant to State Law (M.G.L. Ch. 40A, Section 11), the ZBA requires public hearings for the above matters. There are additional fees for the following:

Abutter List	\$2 per abutter, \$50 max (Obtained and Paid at Assessors Department).
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The Zoning Board of Appeals may require a peer review consultant and/or posting of the project on coUrbanize.com at the expense of the applicant.

Please be aware that the Planning Department may hold back decisions and/or permits until all checks have been received.